

HOUSE BILL No. 1136

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-3-1-1.5; IC 5-3-1.5; IC 36-1-8-15.

Synopsis: Public notices on Internet. After December 31, 2006, allows a political subdivision to publish notices on an Internet website instead of publishing notices in a newspaper. Requires the internet commission in cooperation with the department of local government finance to establish guidelines that establish standard forms for notices and promote public accessibility to a political subdivision's web site.

Effective: Upon passage; July 1, 2005.

Heim, Austin

January 11, 2005, read first time and referred to Committee on Local Government.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1136

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-3-1-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 1.5. (a) This section applies to a political subdivision**
4 **(as defined in IC 36-1-2-13).**

5 **(b) After December 31, 2006, notice that is required to be**
6 **published in a newspaper under this chapter may instead be posted**
7 **on an Internet web site that conforms with IC 5-3-1.5.**

8 SECTION 3. IC 5-3-1.5 IS ADDED TO THE INDIANA CODE AS
9 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2005]:

11 **Chapter 1.5. Internet Notice**

12 **Sec. 1. This chapter does not apply to an Internet auction web**
13 **site under IC 5-22-7.5.**

14 **Sec. 2. As used in this chapter, "notice" means a legal notice,**
15 **advertisement, ordinance, resolution, announcement, or other**
16 **declaration, that a political subdivision is required by state statute**
17 **or state agency rule to disseminate to the general public.**



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1 Sec. 3. As used in this chapter, "political subdivision" has the
2 meaning set forth in IC 36-1-2-13.

3 Sec. 4. Notwithstanding any state statute or state agency rule
4 that requires a political subdivision to publish a notice in a
5 newspaper, a political subdivision may after December 31, 2006,
6 instead post a notice on an Internet web site.

7 Sec. 5. Before a political subdivision may post a notice on the
8 Internet instead of publishing the notice in a newspaper, the
9 following requirements must be met:

10 (1) The political subdivision must adopt an ordinance or
11 resolution that designates the political subdivision's Internet
12 web site the official publication source for the political
13 subdivision.

14 (2) Public Internet access must be available without charge
15 within the jurisdiction of the political subdivision through a
16 public library or other location.

17 (3) The political subdivision must comply with the guidelines
18 established under section 7 of this chapter for providing:

19 (A) Internet notice; and

20 (B) an Internet web site.

21 Sec. 6. To comply with this chapter, a political subdivision's
22 Internet web site:

23 (1) may not be password protected;

24 (2) must be accessible to members of the general public; and

25 (3) may not have a fee associated with obtaining access to the
26 web site.

27 Sec. 7. (a) The intelenet commission established by IC 5-21-2-1,
28 in cooperation with the department of local government finance,
29 shall adopt rules establishing guidelines for political subdivisions
30 to follow in order to comply with this chapter.

31 (b) The guidelines under subsection (a) shall include:

32 (1) a standard form for notices posted on the political
33 subdivision's Internet web site; and

34 (2) standards for web sites that promote public accessibility
35 to information posted on the web site.

36 Sec. 8. (a) A political subdivision that posts a notice on an
37 Internet web site is subject to the same requirements set forth in a
38 state statute or state agency rule for publication of the notice in a
39 newspaper, including:

40 (1) the time limits within which a notice must be published;

41 (2) how frequently the notice must be published; and

42 (3) the required contents of the notice.

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(b) A notice shall remain available on a web site for at least one (1) day after the later of the following:

- (1) The last posting date for the notice required by law.
- (2) The occurrence of the event described in the notice.

(c) A political subdivision must make all notices that are posted on the political subdivision's Internet web site available in printed form.

Sec. 9. The political subdivision shall designate a person to be responsible for posting notices under this chapter and shall publish that person's name and contact information on the Internet web site.

Sec. 10. The political subdivision shall keep on file a certification or affidavit of posting. The affidavit shall state the dates that each notice was posted on the Internet web site.

Sec. 11. Nothing in this chapter requires a political subdivision to comply with this chapter if the political subdivision provides notice by publication in a newspaper in compliance with the statute or rule requiring the publication of notice, in addition to providing notice by posting on an Internet web site.

SECTION 3. IC 36-1-8-15 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. After December 31, 2006, notice that is required to be published in a newspaper by a state statute or state agency rule may instead be posted on an Internet web site established under IC 5-3-1.5.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The legislative services agency, under the direction of the code revision commission, shall prepare legislation for introduction during the 2006 regular session of the general assembly that amends references in statutes to publication of notice in a newspaper to include posting notice on an Internet web site in conformity with this act.

(b) This SECTION expires January 1, 2007.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) The intelenet commission established by IC 5-21-2-1, in cooperation with the department of local government finance, shall adopt rules to implement IC 5-3-1.5, as added by this act, not later than December 31, 2006.

(b) This SECTION expires January 1, 2007.

SECTION 6. An emergency is declared for this act.

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